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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA and the
STATE OF CALIFORNIA *ex rel.*,
SHELBY EIDSON,

Plaintiffs,

vs.

AURORA LAS ENCINAS LLC, LINDA
PARKS, SIGNATURE HEALTHCARE
SERVICES LLC, AND DOES 1
THROUGH 10, jointly and severally,

Defendants.

Case No.: CV 10-1031 JAK (RZx)

(Hon. John A. Kronstadt)

RELATOR'S STATEMENT OF
GENUINE DISPUTES OF FACT IN
OPPOSITION TO DEFENDANT
PARKS' MOTION FOR SUMMARY
JUDGMENT

Date: April 8, 2013

Time: 8:30 a.m.

Ctrm: 750

Plaintiff/Relator Shelby Eidson submits this separate statement in opposition to Defendant Linda Parks' separate statement of undisputed facts in support of her motion for summary judgment, pursuant to Federal Rules of Civil Procedure, Rule 56(e)(2) as follows:

NO.	DEFENDANT'S PURPORTED UNDISPUTED FACT	RELATOR'S RESPONSE AND SUPPORTING EVIDENCE
1.	Ms. Parks was the Chief Executive Officer of Aurora Las Encinas Hospital ("Hospital") from September 2007 to September 2009.	Undisputed.
2.	Ms. Parks also served as acting director of nurses at the Hospital from October or November 2007 to April 2008.	Undisputed.
3.	Ms. Parks was employed by Signature Healthcare Services LLC ("Signature") between September 2007 and September 2009.	Undisputed.

1	4.	Ms. Parks had no relationship	Undisputed.
2		with the Hospital or Signature	
3		before her 2007-2009 tenure at	
4		the Hospital and never had any	
5		ownership or control interest in	
6		the Hospital or in Signature.	
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8	5.	At no time during her tenure at	Disputed. Objection. Misleading. As
9		the Hospital did Ms. Parks have	CEO of defendant Aurora Las Encinas
10		anything to do with the billing	Hospital, Linda Parks was the head
11		process for patient services,	administrator of the Hospital.
12		including the billing process	Deposition of Linda Parks at pg. 27.
13		[sic] government payors.	(Exhibit A to Diaz Decl.). She was
14			responsible for oversight of the CFO
15			and billing of insurance companies,
16			including Medicare and Medi-Cal. <i>Id.</i>
17			Parks attended quarterly meetings with
18			Mickey Balzek the CFO, Blair Stam the
19			Executive Vice President of Signature,
20			and Dr. Kim the President and owner of
21			Signature. <i>Id.</i> at pg. 71-72. During the
22			meetings the CFO would give reports
23			regarding billing. <i>Id.</i> Ms. Parks also
24			told staff member Hillary Johnson to
25			make sure patient charts “meet criteria”
26			to justify hospital billing. Dec. of
27			Hillary Johnson at pg. 4, para. 24.
28			

1		(Exhibit B to Diaz Decl.). Linda Parks
2		also told Ms. Johnson that if doctors did
3		not document a diagnosis covered by a
4		patient's insurance to "work it,"
5		implying she should even flirt with the
6		doctors, so that she could get them to
7		change patient charts to justify billing
8		for patients' stay and treatment. <i>Id.</i>
9	6.	Disputed. As CEO of defendant Aurora
10		Las Encinas Hospital, Linda Parks was
11		the head administrator of the Hospital.
12		Parks Depo. at 27. (Exhibit A to Diaz
13		Decl.) She was responsible for
14		oversight of the CFO and billing of
15		insurance companies, including
16		Medicare and Medi-Cal. <i>Id.</i> Parks
17		attended quarterly meeting with Mickey
18		Balzek the CFO, Blair Stam the
19		Executive Vice President of Signature,
20		and Dr. Kim the President and owner of
21		Signature. <i>Id.</i> at 71-72. During the
22		meetings the CFO would give reports
23		regarding billing. <i>Id.</i> Ms. Parks also
24		told staff member Hillary Johnson to
25		make sure patient charts "meet criteria"
26		to justify hospital billing. Dec. of
27		Hillary Johnson at pg. 4, para. 24.

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2		also told Ms. Johnson that if doctors did
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4		patient's insurance to "work it,"
5		implying she should even flirt with the
6		doctors, so that she could get them to
7		change patient charts to justify billing
8		for patients' stay and treatment. <i>Id.</i>
9	7.	Disputed. As CEO of defendant Aurora
10		Las Encinas Hospital, Linda Parks was
11		the head administrator of the Hospital.
12		Parks Depo. at 27. (Exhibit A to Diaz
13		Decl.). She was responsible for
14		oversight of the CFO and billing of
15		insurance companies, including
16		Medicare and Medi-Cal. <i>Id.</i> Parks
17		attended quarterly meeting with Mickey
18		Balzek the CFO, Blair Stam the
19		Executive Vice President of Signature,
20		and Dr. Kim the President and owner of
21		Signature. <i>Id.</i> 71-72. During the
22		meetings the CFO would give reports
23		regarding billing. <i>Id.</i> Ms. Parks also
24		told staff member Hillary Johnson to
25		make sure patient charts "meet criteria"
26		to justify hospital billing for insurers.
27		Dec. of Hillary Johnson at pg. 4, para.
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		24. (Exhibit B to Diaz Decl.) Linda Parks told Ms. Johnson that if doctors did not document a diagnosis covered by a patient's insurance to "work it," implying she should flirt with the doctors, so that she could get them to change patient charts to justify payment for the patients' stay and treatment. <i>Id.</i>
8.	Ms. Parks never told the Hospital Staff or anyone else to falsify a record so that the Hospital could be paid for services or for any other improper purpose.	Disputed. Hospital staff member Lisa Ramirez, acting Staffing coordinator for a time, was told by her supervisor that Linda Parks ordered employee time sheets to be altered so that no employee would receive any overtime pay. Dec. of Lisa Ramirez at pg 9-10. (Exhibit C to Diaz Decl.). Hospital staff member Nadine Illaraza stated that Linda Parks would force workers to punch out for lunch in the first hour of their shift even though they were not able take a break. Dec. of Nadine Illaraza at pg. 3, para. 12. (Exhibit D to Diaz Decl.). Furthermore, Linda Parks told staff member Hillary Johnson to make sure patient charts include a diagnosis covered by a patient's insurance to justify hospital billing. Dec of Hillary

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		Johnson at pg. 4, para. 24. (Exhibit B to Diaz Decl.). Linda Parks also told Ms. Johnson that if doctors did not document a diagnosis covered by a patient's insurance to "work it," implying she should even flirt with the doctors, so that she could get them to change patient charts to justify billing for patients' stay and treatment. <i>Id.</i>
9.	Patients' doctors determine the treatment and care required by a patient, not hospital administrators or nursing personnel.	Disputed to the extent Linda Parks, a non-physician, determined the treatment and care required by Hospital patients through her and her staff's policies and practices regarding 1:1 supervision. In a memo written while Linda Parks was CEO, Director of Nursing Diane Hobbs wrote that prior to starting any 1:1's approval by her was needed. BS2246. (Exhibit E to Diaz Decl.). Ms. Parks would instruct charge nurses to try to get 1:1s discontinued by calling the doctors to request they take the patient off 1:1 supervision. Depo. of Nadine Ilarraza at 31:17-32:5. (Exhibit F to Diaz Decl.). Ms. Parks would "belittle the nurses and try to get them to change

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		<p>[the patients’] acuity.” <i>Id</i> at 32:6-12. Furthermore, Linda Parks told staff member Hillary Johnson to make sure patient charts “meet criteria” to justify hospital billing for insurers. Dec of Hillary Johnson at pg. 4, para. 24. (Exhibit B to Diaz Decl.). Linda Parks also told Ms. Johnson that if doctors did not document a diagnosis covered by a patient’s insurance to “work it,” implying she should even flirt with the doctors, so that she could get them to change patient charts to justify billing for patients’ stay and treatment. <i>Id</i>.</p>
10.	Ms. Parks constantly reminded Hospital staff and members of the Medical Staff at the Hospital of the importance of documenting the medical necessity of the services furnished at the Hospital.	<p>Disputed. Objection. Misleading. Linda Parks told staff member Hillary Johnson to make sure patient charts “meet criteria” to justify hospital billing for insurers. Dec of Hillary Johnson at pg. 4, para 24. (Exhibit B to Diaz Decl.). Linda Parks also told Ms. Johnson that if doctors did not document a diagnosis covered by a patient’s insurance to “work it,” implying she should even flirt with the doctors, so that she could get them to change patient charts to justify billing</p>

		for patients' stay and treatment. <i>Id.</i>
11.	The allegations in Paragraph 31 of the Fourth Amended Complaint accusing Ms. Parks of ordering Hospital staff to falsify documents used to justify bills to the government pertain to Patients 6 and 7, both of whom were self-pay patients and thus no bills were submitted to the government for these patients.	Disputed. Relator was informed that Patients 6 and 7s' hospitalization was in part paid by government funding and in part paid in cash. Eidson Depo. at pg. 34-35. (Exhibit G to Diaz Decl.). Furthermore, with the parcity of documents that have been produced by Defendants for Patients 6 and 7, it cannot be affirmatively concluded that they were only self-pay.
12.	The Relator had no knowledge regarding any of the bills submitted by the Hospital to the government when she filed her lawsuit.	Disputed. Objection. Misleading, as it mischaracterizes Relator's deposition testimony in regards to her knowledge of bills submitted by the Hospital when she filed her lawsuit. The Relator knew of many false claims being submitted by the Hospital prior to filing her lawsuit but did not recall <i>seeing</i> any physical bills. See Edison Depo at pg. 37. Furthermore, Relator testified that she had participated in completing documents that were related to

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		billing at the Hospital. <i>Id.</i> at 319. (Exhibit G to Diaz Decl.). <i>Also see</i> <i>British Airways Bd. v. Boeing Co.</i> , 585 F.2d 946, 952 (9th Cir. 1978); <i>Enzo Biochem, Inc. v. Gen-Probe,</i> <i>Inc.</i> , 424 F.3d 1276, 1284 (Fed. Cir. 2005) (“Attorney argument is no substitute for evidence.”).
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DATED: March 19, 2013

COLLEEN FLYNN
DISABILITY RIGHTS LEGAL CENTER
LAW OFFICES OF MARK ALLEN KLEIMAN
Attorneys for Plaintiff/Relator

_____/s/_____
Colleen Flynn